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7 Attorney for Defendant  
8 MAX BUDZIAK

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA

Plaintiff,

vs.

MAX BUDZIAK,

Defendant.

Case No. CR-08-284-RMW

**STIPULATION AND  
ORDER TO CONTINUE HEARING ON  
REMAND FOR CONSIDERATION OF  
DISCOVERY ISSUES**

The captioned matter is now set for hearing on remanded discovery issues on October 17, 2013. The government requested and was granted more time to file its brief; defense counsel now requests more time to file its brief and to continue the hearing. Defense counsel, Michael Whelan and Graham Archer, due to the press of other criminal litigation in both state and federal court, are unable to timely draft and file the defense reply brief. Furthermore, defendant Budziak was only recently returned to Santa Clara Main Jail from the U.S. B.O.P. and defense counsel have not yet had an opportunity to meet and confer with him. For all these reasons, counsel for the parties stipulate and request that the hearing be continued to November 7, 2013 and that the defense reply brief deadline be continued to October 24, 2013.

1 IT IS SO STIPULATED:

2  
3 DATE: October 8, 2013

\_\_\_\_\_/s/\_\_\_\_\_  
Wm. Michael Whelan, Jr.  
Attorney for Defendant Max Budziak

5 DATE: October 8, 2013

MELINDA HAAG, U.S. Attorney

\_\_\_\_\_/s/\_\_\_\_\_  
Jeffrey David Nedrow  
Assistant United States Attorney

10 **ORDER**

11 **Having read and considered the stipulation of the parties, and good cause**  
12 **appearing, the Court hereby orders that the October 17, 2013, 2:00 p.m. hearing**  
13 **date in the captioned matter be continued to November 7, 2013 at 2:00 p.m., and**  
14 **defendant's reply brief shall be filed no later than October 24, 2013.**

16 DATE: ~~FEB 15~~ \_\_\_\_\_

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Ronald M. Whyte  
United States District Court Judge